

310	Prostitution and Related Crimes Prostitution, etc.—Human trafficking, take, harbor, or unlawfully detain a minor for prostitution	1-0754 1-0756 1-0758 1-0761 1-0786 1-0787 1-0788 1-0789	CR, 303(c)(2)	§11-	Felony	25Y		Person	II	\$15,000
311—384.3 (text unchanged)										
385	Theft, Crimes Involving Misdemeanor theft or theft scheme, less than \$100	1-0521 1-1631	CR, 104(g)(3)	§7-	Misd.	90D		Property	VII	\$500
386—402 (text unchanged)										
403	Weapons Crimes—In General Possession of regulated firearm after having been convicted of a crime of violence or select drug crimes	1-1609	PS, §5-133(c)		Felony	15Y	MM* = 5Y ⁽¹⁾⁽²⁾	Person	V	
404—420 (text unchanged)										

¹A court may depart from this proscribed mandatory minimum sentence if the court finds and states on the record that, giving due regard to the nature of the crime, the history and character of the defendant, and the defendant's chances of successful rehabilitation: (1) imposition of the mandatory minimum sentence would result in substantial injustice to the defendant; and (2) the mandatory minimum sentence is not necessary for the protection of the public.

⁽¹⁾⁽²⁾At the time of the offense, if more than 5 years has elapsed since the person completed serving the sentence for the most recent conviction of a crime of violence or select drug crimes (including all imprisonment, mandatory supervision, probation, and parole), the imposition of the mandatory minimum sentence is within the discretion of the court.

MM* = Non-suspendable mandatory minimum penalty

♦ Defined as a violent crime in Correctional Services Article, §7-101, Annotated Code of Maryland. At the time of imposition of a sentence of incarceration for these offenses, Criminal Procedure Article, §6-217, Annotated Code of Maryland indicates the Court shall state in open court the minimum time the defendant must serve before becoming eligible for parole.

♦♦ Defined as a violent crime only under certain circumstances specified in Criminal Law Article, §14-101, Annotated Code of Maryland.
General Rules (text unchanged)

DAVID SOULE
Executive Director

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 11 AIR QUALITY

Notice of Proposed Action

[15-360-P]

The Secretary of the Environment proposes to amend:

(1) Regulations .01 and .10 under **COMAR 26.11.01 General Administrative Provisions**; and

(2) Regulations .01, .04, .07, and .08 under **COMAR 26.11.08 Control of Incinerators**.

Statement of Purpose

The purpose of this action is to make amendments that will:

1. Clarify requirements for incinerators and Portland cement plants that demonstrate compliance with visible emissions (VE) standards through use of continuous opacity monitors (COMs);
2. Delete the applicability of the Department's Technical Memorandum 90-01 (TM) for incinerators equipped with COMs; and

3. Exempt incinerators that are (1) owned or operated by a government entity and (2) used solely to destroy illegal or prohibited goods from COMAR 26.11.08 requirements.

The amendments will be submitted to EPA for review and approval to be included in Maryland's Section 111(d) Plan and as part of Maryland's State Implementation Plan.

Background

Compliance Clarification for Sources Required to Operate COMs
In 1991, the Department adopted regulations that required certain major sources to install and operate COMs and to demonstrate compliance with opacity standards using COM data. At that time, the Department also adopted its TM that provided the methods to be used to demonstrate compliance with VE requirements using COM data. For COMs, compliance was based on achieving the applicable VE standard for a certain percentage of the source's operating time.

Through these amendments the Department will eliminate the use of the TM for COMs and develop specific requirements to replace the TM. Part II of the TM contained QA/QC procedures for COMs that has been codified in COMAR 26.11.31.

During the past several years, the EPA has adopted numerous requirements for incinerators under Clean Air Act Section 111(d). Nearly all incinerators in Maryland are subject to regulations that are based on Section 111(d) requirements. Most incinerators subject to these federal requirements are subject to 10 percent opacity. These

regulations are more restrictive than the 20 percent opacity requirement contained in COMAR 26.11.08.04A(1) that applies to incinerators in the rural areas of the State. Therefore, those rural incinerators are subject to a 10 percent opacity standard when operating a COM. Under EPA Method 9 observations, the visible emission exceptions of COMAR 26.11.08.04C apply. For incinerators that are required to install and operate a COM, visible emissions may not exceed 10 percent opacity. Sources may request an alternate opacity limit for specific operating conditions based on technological limitations which will be subject to approval by MDE and EPA.

Portland cement plants located in urban areas of Maryland are subject to a 10 percent opacity standard, whereas rural cement plants are subject to a 20 percent opacity standard as specified in COMAR 26.11.30.05. Under EPA Method 9 observations, the visible emissions standards in COMAR 26.11.30.05B(1) and (2) do not apply to emissions as specified in COMAR 26.11.06.02A(2). For cement kilns that are required to install and operate a COM, visible emissions may not exceed the applicable standards as specified in COMAR 26.11.30.05B(1) and (2). Sources may request an alternate opacity limit for specific operating conditions based on technological limitations which will be subject to approval by MDE and EPA. Under COMAR 26.11.30.05, cement kilns or clinker coolers may either operate COMs or PM CPMS (particulate matter continuous parameter monitoring systems).

Incinerator Exemption

A number of law enforcement agencies, military installations and other government entities are using modified 55-gallon drums to destroy illegal drugs and trash from international flights that might cause biocontamination. The drums, commonly called cyclonic burn barrels, are equipped with fans, lids and other accessories that, when taken altogether, make these drums fit the definition of an incinerator. The Department is taking action to exempt these drums from the incinerator requirements as the federal government has also done.

Under federal New Source Performance Standards (NSPS) (40 CFR Part 60, Subpart EEEE), an incinerator unit that is owned or operated by a government agency that combusts contraband or prohibited goods is exempt from the federal requirements. The Department is incorporating this provision into the definition of incinerator so that Maryland regulations do not conflict with the federal exemption.

Sources Affected and Location

The amendments will affect four existing municipal waste combustors (MWCs). One MWC is located in Baltimore City, one in Frederick County, one in Harford County and one in Montgomery County.

The amendments will also affect two existing Portland cement manufacturing plants in Maryland.

Requirements

Amendments to COMAR 26.11.01.10 clarify requirements for incinerators and Portland cement plants that demonstrate compliance with visible emissions (VE) standards through use of continuous opacity monitors (COMs). The amendments reference appropriate regulations where VE standards are contained, establish compliance criteria for these sources, and specify use of the QA/QC procedures in COMAR 26.11.31.

MWCs located in the Baltimore/Washington areas are subject to the no visible emissions requirement contained in COMAR 26.11.08.04A(2). In these areas, compliance with the no VE requirement is demonstrated with a COM if VE are less than 10 percent opacity. Regulation 26.11.08.04 Visible Emissions now includes requirements for incinerators equipped with COMs.

Regulation 26.11.08.07 is approved as part of Maryland's Section 111(d) Plan and is amended to clarify that the regulation applies to small MWCs.

Regulation 26.11.08.08 is approved as part of Maryland's Section 111(d) Plan for large MWCs. The amendments remove the applicability of TM 90-01 and add the requirement that the QA/QC will be as in new COMAR 26.11.31.

Expected Emissions Reductions

These amendments clarify and streamline the regulations and are unlikely to produce emission reductions. The action establishes revised compliance procedures relating to sources that are required to operate continuous opacity monitors under COMAR 26.11.01.10 Continuous Opacity Monitoring Requirements.

Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

The Department of the Environment will hold a public hearing on the proposed action on December 14, 2015 at 1 p.m. at the Department of the Environment, 1800 Washington Boulevard, 1st Floor Conference Rooms, Baltimore, Maryland 21230-1720. Interested persons are invited to attend and express their views. Comments may be sent to Mr. Randy Mosier, Chief of the Regulation Division, Air and Radiation Management Administration, Department of the Environment, 1800 Washington Boulevard, Suite 730, Baltimore, Maryland 21230-1720, or emailed to randy.mosier@maryland.gov.

Comments must be received not later than December 14, 2015 or be submitted at the hearing. For more information, call Randy Mosier at (410) 537-4488.

Copies of the proposed action and supporting documents are available for review at the following locations:

- The Department of the Environment's website at: http://www.mde.state.md.us/programs/regulations/air/Pages/req_comments.aspx
- The Air and Radiation Management Administration Office in Baltimore; and
- The regional offices of the Department in Cumberland and Salisbury.

Anyone needing special accommodations at the public hearing should contact the Department's Fair Practices Office at (410) 537-3964. TTY users may contact the Department through the Maryland Relay Service at 1-800-735-2258.

26.11.01 General Administrative Provisions

Authority: Environment Article, §§1-101, 1-404, 2-101—2-103, 2-301—2-303, 10-102, and 10-103, Annotated Code of Maryland

.01 Definitions.

- A. (text unchanged)
- B. Terms Defined.
 - (1) — (8) (text unchanged)

(8-1) Continuous Burning.

(a) "Continuous burning" means the continuous, semi-continuous, or batch feeding of municipal solid waste for purposes of waste disposal, energy production, or providing heat to the combustion system in preparation for waste disposal or energy production.

(b) "Continuous burning" does not include the period when municipal solid waste is solely used to provide thermal protection of the grate or hearth.

(9) — (27) (text unchanged)

(27-1) Operating Time.

(a) "Operating time" means, for the purpose of determining compliance or non-compliance with COM requirements of this chapter for cement kilns, the actual time in hours that an affected unit operates, beginning when the raw feed is being continuously introduced into the kiln for at least 120 minutes or when the raw feed rate exceeds 60 percent of the kiln design limitation rate, whichever occurs first, and ending when the introduction of raw feed to the kiln is halted.

(b) "Operating time" means, for the purpose of determining compliance or non-compliance with COM requirements of this chapter for municipal waste combustors, the actual time in hours that an affected unit operates, beginning when continuous burning of solid waste starts and ending when continuous burning of solid waste ceases.

(28) — (53) (text unchanged)

.10 Continuous Opacity Monitoring Requirements.

A. Applicability and Exceptions.

(1) — (5) (text unchanged)

(6) Sources may request for approval by the Department and EPA an alternate limit for specific operating conditions in which the technological limitations of the control equipment adversely affects the ability of the source to comply with visible emissions limits by following the recommendations at 40 FR 33980. The alternate limit shall be submitted to EPA as a SIP revision and included in 40 CFR Part 52 Subpart V 52.1070(d) for Maryland Source Specific SIP revisions.

B. General Requirements for COMs.

(1) — (2) (text unchanged)

(3) A COM shall comply with the applicable requirements in 40 CFR Part 51, Appendix P, [Sections 3.3—3.9.] as amended, which is incorporated by reference.

(4) (text unchanged)

(5) The owner or operator of a cement kiln or clinker cooler that is operating a COM is subject to the following requirements.

(a) The owner or operator of a cement kiln or clinker cooler may not cause or permit the discharge of emissions which exceed the visibility standards in COMAR 26.11.30.05B.

(b) The visibility standards in COMAR 26.11.30.05B(1) and (2) do not apply to emissions as specified in COMAR 26.11.06.02A(2) during EPA reference Method 9 observations.

(c) For the purpose of demonstrating compliance with COMAR 26.11.30.05B(2) when using a COM, emissions that are visible to a human observer are those that are equal to or greater than 10 percent opacity.

(d) For the owner or operator of a cement kiln or clinker cooler that is operating a COM, compliance with visible emission standards is achieved if visible emissions do not exceed the applicable visible emission limitations in 26.11.30.05B(1) or (2) as applicable.

(e) Notwithstanding the requirements in §B(5)(a)-(d) of this regulation, the Department may determine compliance and non-compliance with the visible emission limitations by performing EPA reference Method 9 observations.

(f) The owner or operator of a cement kiln or clinker cooler that is operating a COM shall meet the quality assurance requirements under COMAR 26.11.31.

(6) The owner or operator of a municipal waste combustor that is required to install and operate a COM is subject to the following requirements.

(a) The owner or operator of a municipal waste combustor may not cause or permit the discharge of emissions which exceed the visibility standards in COMAR 26.11.08.04 as determined by EPA reference Method 9 observations.

(b) For the purpose of demonstrating compliance with COMAR 26.11.08.04 when using a COM, emissions that are visible to a human observer are those that are equal to or greater than 10 percent opacity.

(c) For the owner or operator of a municipal waste combustor that is required to install and operate a COM, compliance with visible emission standards is achieved if visible emissions do not exceed 10 percent opacity.

(d) Notwithstanding the requirements in §B(6)(a)-(c) of this regulation, the Department may determine compliance and non-compliance with the visible emission limitations by performing EPA reference Method 9 observations.

(e) The owner or operator of a municipal waste combustor that is operating a COM shall meet the quality assurance requirements under COMAR 26.11.31.

C. — E. (text unchanged)

[F. Fuel burning equipment subject to the COM requirements in COMAR 26.11.09.05 and cement kilns subject to the COM requirements in COMAR 26.11.30 are subject to the COM requirements contained in COMAR 26.11.31.]

26.11.08 Control of Incinerators

Authority: Environment Article, §§1-101, 1-404, 2-101—2-103, 2-301—2-303, 2-406, 10-102, and 10-103, Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (12) (text unchanged)

(20) Incinerator.

(a) — (b) (text unchanged)

(c) "Incinerator" does not mean any unit owned or operated by a government agency to destroy illegal or prohibited goods. The exclusion does not apply to items either confiscated or incinerated by private, industrial, or commercial entities.

(21) — (61) (text unchanged)

.04 Visible Emissions.

A. — C. (text unchanged)

D. The owner or operator of a municipal waste combustor that is required to install and operate a COM is subject to the requirements in COMAR 26.11.01.10.

.07 Requirements for [Certain] Municipal Waste Combustors with a Capacity of 35 tons or greater per day and less than or equal to 250 Tons Per Day.

(text unchanged)

.08 Requirements for an Existing Large MWC with a Capacity Greater Than 250 Tons Per Day.

A. Emission Standards and General Requirements.

(1) (text unchanged)

(2) Emission Standards and General Requirements.

Pollutant or Parameter	Emission Standards for a Large MWC	Performance and Compliance Test Requirements
Carbon Monoxide*	(text unchanged)	(text unchanged)
Dioxin/Furans*	(text unchanged)	(text unchanged)
Particulate Matter*	(text unchanged)	(text unchanged)
Opacity	10 percent opacity with [CEMS] COMs. Averaging time is 6 minutes.	EPA Reference Method 9 and [CEMS] COMS. Applicable test procedures and methods as specified in 40 CFR §60.58b(c). Quality assurance and quality control requirements are as in [Technical Memorandum 90-01] COMAR 26.11.31. [In case of inconsistencies in data or conflicting data Method 9 results will determine compliance.] <i>Notwithstanding the requirements in COMAR 26.11.01.10B(6)(a)-(c), the Department may determine compliance and non-compliance with the visible emission limitations by performing EPA reference Method 9 observations based on a 6 minute block average.</i>
Cd (Cadmium)*—Fugitive Ash Emissions (text unchanged)		

* Corrected to 7 percent oxygen on dry basis. If a CO₂ monitor is selected as the diluent monitor it must meet the requirements of 40CFR §60.58b(b)(6)

(3) (text unchanged)

B. Monitoring Requirements.

(1) A person who owns or operates an existing MWC subject to this regulation shall:

(a) Install, calibrate, operate, and maintain continuous [emission] monitors for carbon monoxide, oxygen, opacity, oxides of nitrogen, and sulfur dioxide;

(b)—(d) (text unchanged)

(2) (text unchanged)

(3) The monitors required by §B(1)(a) and (b) of this regulation shall meet the installation, certification, reporting, record-keeping, and other requirements of COMAR 26.11.01.10, and 26.11.01.11, performance specifications in 40 CFR Part 60, Appendix B, the quality assurance procedures in 40 CFR Part 60, Appendix F, all requirements in 40 CFR §60.58b, COMAR 26.11.31 [, and the specification in the Department's Air and Radiation Management Administration Technical Memorandum 90-01, "Continuous Emission Monitoring (CEM) Policies and Procedures", which is incorporated by reference in COMAR 26.11.01.10E].

(4) (text unchanged)

C. Reporting and Record-Keeping Requirements.

(1) (text unchanged)

(2) Continuous [emissions] monitoring data reduction and data availability shall be as prescribed in COMAR 26.11.01.10 and 26.11.01.11. If there is any inconsistency between COMAR 26.11.01.10 and 26.11.01.11 and 40 CFR 60, the [requirement] requirements of 40 CFR 60 govern.

D. (text unchanged)

BENJAMIN H. GRUMBLES
Secretary of the Environment

Title 31 MARYLAND INSURANCE ADMINISTRATION

Subtitle 01 GENERAL PROVISIONS

31.01.02 Emergency Powers

Authority: Health-General Article, §19-706; Insurance Article, §2-115; Annotated Code of Maryland

Notice of Proposed Action [15-345-P]

The Insurance Commissioner proposes to amend Regulations .02—, .04 and .07 under COMAR 31.01.02 Emergency Powers.

Statement of Purpose

The purpose of this action is to better align the elements of the Maryland Insurance Administration's data requests for claims information during an emergency with the National Association of Insurance Commissioners' current data collection template.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Catherine Grason, Director of Regulatory Affairs, Maryland Insurance Administration, 200 St. Paul Place, Ste. 2700, Baltimore, MD 21202, or call 410-468-2201, or email to insurancegreview.mia@maryland.gov, or fax to 410-468-2020. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

.02 Applicability.

A. (text unchanged)

B. This chapter also applies to the Maryland Automobile Insurance Fund (MAIF)[,] and the Joint Insurance Association (JIA)[, the Injured Workers Insurance Fund (IWIF) and the Maryland Health Insurance Plan (MHIP)].

.03 Definitions.

A. (text unchanged)